

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILLIAM TROY LUNCEFORD

PLAINTIFF

V.

CIVIL ACTION NO.: 1:20-CV-35-SA-RP

STANLEY HENDRIX and
STATE FARM INSURANCE COMPANY

DEFENDANTS

ORDER

Now before the Court is Defendant State Farm Mutual Automobile Insurance Company's¹ unopposed Motion [22] to Remand. The Plaintiff, a Mississippi resident, filed his Complaint [2] in the County Court of Lee County, Mississippi on November 25, 2019 against Stanley Hendrix², a Mississippi resident, and State Farm, an Illinois corporation with its principal place of business located in Illinois. State Farm then removed the case to this Court on February 25, 2020 on the basis of diversity of citizenship. *See* [1]. On May 7, 2020, State Farm filed a Motion to Sever [20], alleging that the Court should sever the Plaintiff's claims against it from the claims against Hendrix and retain jurisdiction as to the claims against it. State Farm now brings this unopposed Motion [22] to remand to state court.

According to the Motion [22], the Plaintiff's counsel has represented to the Defendant that the claims contained in the Complaint for extra contractual and bad faith damages were mistakenly made. Further, the Plaintiff has stipulated that he will neither seek nor accept an award of greater than \$75,000.00. Considering this stipulation, regardless of the outcome of the Court's ruling on the pending Motion to Sever [20], the Court lacks jurisdiction under 28 U.S.C.

¹ State Farm Mutual Automobile Insurance Company was misidentified as State Farm Insurance Company in the Plaintiff's Complaint [2].

² Stanley Hendrix has not been served with process in this action.

§ 1332 because the amount in controversy does not exceed \$75,000.00. Therefore, the Court finds that the Motion [22] is well-taken and should be granted.

For the reasons set forth above, State Farm's Motion [22] to Remand is GRANTED. This case is remanded to the County Court of Lee County, Mississippi. The Clerk of Court shall take all necessary steps required to accomplish this REMAND.

It is SO ORDERED, this the 20th day of May, 2020.

/s/ Sharion Aycock
UNITED STATES DISTRICT COURT JUDGE